

ACTS

AND

JOINT RESOLUTIONS

PASSED BY

THE GENERAL ASSEMBLY

OF THE

STATE OF VIRGINIA

DURING THE

SESSION OF 1877-78.

RICHMOND:

R. F. WALKER, SUPERINTENDENT PUBLIC PRINTING.

1878.

EXHIBIT W (Rivas)

Penalty ished by a fine not exceeding one hundred dollars, or by imprisonment in jail not exceeding six months.

Cruelty to animals; profanity and drunkenness.

Cruelty to animals 15. If a person cruelly beat or torture any horse, animal or other beast, whether his own or that of another, he shall be fined not exceeding fifty dollars.

Profanity and drunkenness 16. If any person, arrived at the age of discretion, profanely curse or swear, or get drunk, he shall be fined by a justice one dollar for each offence.

Penalty

Violation of the Sabbath.

Violation of Sabbath 17. If a person, on a Sabbath day, be found laboring at any trade or calling, or employ his apprentices or servants in labor or other business, except in household or other work of necessity or charity, he shall forfeit two dollars for each offence; every day any servant or apprentice is so employed constituting a distinct offence.

Penalty

Exceptions as to the mail, and as to certain persons.

Transportation of mail excepted
Exception as to certain religionists 18. No forfeiture shall be incurred under the preceding section for the transportation on Sunday of the mail, or of passengers and their baggage. And the said forfeiture shall not be incurred by any person who conscientiously believes that the seventh day of the week ought to be observed as a Sabbath, and actually refrains from all secular business and labor on that day: provided he does not compel an apprentice or servant, not of his belief, to do secular work or business on Sunday, and does not on that day disturb any other person.

Proviso

Sale of intoxicating liquors prohibited between certain hours 19. No bar-room, saloon, or other place for the sale of intoxicating liquors, shall be opened, and no intoxicating liquors or other drink shall be sold in any bar-room, restaurant, saloon, store, or other place, from twelve o'clock on each and every Saturday night of the week, until sunrise of the succeeding Monday morning; and any person violating the provisions of this section, shall be deemed guilty of a misdemeanor, and, if convicted, shall be punished by fine not less than ten nor more than five hundred dollars; and shall, moreover, at the discretion of the court, forfeit his license: provided that this law shall not apply to any city having police regulations on this subject, and an ordinance inflicting a penalty equal to the penalty inflicted by this section.

Penalty

Proviso

Disturbance of religious worship 20. If a person willfully interrupt or disturb any assembly met for the worship of God, or being intoxicated, if he disturb the same, whether willfully or not, he shall be confined in jail not more than six months, and fined not exceeding one hundred dollars, and a justice may put him under restraint during religious worship, and bind him for not more than one year to be of good behavior.

Penalty

ACTS OF ASSEMBLY.

305

21. If any person carrying any gun, pistol, bowie-knife, dagger, or other dangerous weapon, to any place of worship while a meeting for religious purposes is being held at such place, or without good and sufficient cause therefor, shall carry any such weapon on Sunday at any place other than his own premises, shall be fined not less than twenty dollars. Carrying dangerous weapons at a place of worship or on Sunday

If any offence under this section be committed at a place of religious worship, the offender may be arrested on the order of a conservator of the peace, without warrant, and held until warrant can be obtained, but not exceeding three hours. Penalty

It shall be the duty of justices of the peace, upon their own knowledge, or upon the affidavit of any person, that an offence under this section has been committed, to issue a warrant for the arrest of the offender. Offenders subject to arrest without warrant

Duty of justices where he knows of offence under this section

Protection of religious assemblies; prohibition against sale of liquors or other things near such meetings; proviso.

22. If any person shall erect, place, or have any booth, stall, tent, carriage, boat, vessel, vehicle, or other contrivance whatever, for the purpose or use of selling, giving, or otherwise disposing of any kind of spirituous and fermented liquors, or any other articles of traffic; or shall sell, give, barter, or otherwise dispose of any spirituous or fermented liquors, or any other articles of traffic within three miles of any camp-meeting, or other place of religious worship, during the time of holding any meeting for religious worship at such place, such person, on conviction before a justice of the peace, for the first offence, shall be fined not less than ten dollars, nor more than twenty dollars, and stand committed to jail until the fine and costs are paid; and for the second offence, shall be fined as aforesaid, and be imprisoned not less than ten nor more than thirty days. Sale of liquors, &c., prohibited

Penalty

Penalty for second offence

23. If any person shall commit any offence against the provisions of the preceding section, he shall, in addition to the penalties therein mentioned, forfeit all such spirituous or fermented liquors, and other articles of traffic, and all the chests and other things containing the same, belonging to and in the possession of the person so offending, together with such booth, stall, tent, carriage, boat, vessel, vehicle, or other contrivance or thing prepared and used in violation of said section; and it shall be the duty of any sheriff, deputy sheriff, or constable, if he sees any person violating the preceding section, to arrest the offender and carry him before a justice of the peace. The sheriff, deputy sheriff, or constable, when he arrests the offender, shall seize the property hereby declared to be forfeited, or shall seize the same on a warrant against the offender, if such offender cannot be found; and the justice of the peace before whom such offender is convicted, or before whom the warrant is returned that the offender cannot be found, shall enter judgment of condemnation against such property, and issue a fieri facias for the Additional penalty

Duty of sheriffs, &c., to arrest offender and seize the property

Judgment of condemnation

Fl. fa. to issue sale thereof: provided the person who has been returned not
 Proviso found, and whose property has been condemned in his ab-
 sence, may appear at any time before the sale of the property
 and have the case tried as if he had appeared at the return
 of the warrant.

To whom pro- 24. The provisions of the two preceding sections shall not
 visions not to apply apply to any licensed tavern-keeper, merchant, shop-keeper,
 farmer, or other person in the usual and lawful transaction
 of his ordinary business, in the usual place of transacting
 such business, or to any person having permission, in writing
 from the superintendent of such meeting, to sell such articles
 as may be named in such permission: provided this permis-
 Proviso sion shall not extend to the sale of any spirituous or fer-
 mented liquors.

Right of appeal.

Right of appeal 25. Nothing in this chapter shall prevent the courts of
 preserved record from exercising their common law or statutory juris-
 diction in all cases for disturbing public worship: provided
 Proviso that the party convicted under the twenty-second or twenty-
 third sections of this chapter shall have the right to appeal
 to the next county court for the county where the convic-
 tion is had, upon giving bail for his appearance at court, and
 upon such appeal shall be entitled to a trial by jury: and
 provided further, that when any person or persons are pro-
 ceeded against under the twenty-second or twenty-third sec-
 Persons pro- ceeded against not subject to
 ceeded against not subject to answer before
 grand jury grand jury sections of this chapter, he or they shall not be held to answer
 for the same offence before any grand jury or court of record,
 except as herein provided.

Temporary police force for religious meetings.

Temporary po- 26. The supervisor, or any justice of the magisterial dis-
 lice authorized trict where the meeting is held, shall have power to appoint
 a temporary police to enforce the provisions of this chapter.

CHAPTER VIII.

OF OFFENCES AGAINST PUBLIC HEALTH.

Selling unsound provisions.

Sale of unsound 1. If a person knowingly sell any diseased, corrupted, or
 provisions unwholesome provisions, whether meat or drink, without
 making the same known to the buyer, he shall be confined
 Penalty in jail not more than six months, and fined not exceeding
 one hundred dollars.